

// A special meeting of the Council of the City of Lynchburg, recessed from April 8, was held on the 15th day of April, 2003, at 3:30 P.M., in the Second Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a work session regarding the Proposed FY 2004 Budget. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Deputy City Manager Bonnie Svrcek distributed some additional information regarding the FY 2004 Budget. Ms. Svrcek also provided a revised "Balancing the FY 2004 Budget" document for Council consideration. City Council discussed and reached consensus on a number of the outstanding issues that were listed in the document. City Manager Kimball Payne stated that he would have staff present at the April 22 work session to answer questions regarding the remaining outstanding issues. Following discussion regarding funds in the proposed budget for the National League of Cities, Council Member Garber made a motion, seconded by Council Member Adams, to eliminate all funding in the proposed FY 2004 Budget for the National League of Cities, to require City Council approval for attendance at a National League of Cities conference, with funding for such approved travel coming from the General Fund Reserve for Contingencies, and Council by the following recorded vote defeated the motion:

Ayes: Adams, Garber, Seiffert 3

Noes: Barksdale, Dodson, Foster, Hutcherson 4

Council Member Adams made a motion, seconded by Council Member Garber, to eliminate all funding in the proposed FY 2004 Budget for the National League of Cities, to include \$5,000 in the City Council Budget for undesignated travel, and to require City Council approval for use of those undesignated travel funds, and Council by the following recorded vote approved the motion:

Ayes: Adams, Dodson, Foster, Garber, Seiffert, Hutcherson 5

Noes: Barksdale 1

// The meeting was recessed at 6:50 p.m. to 7:00 p.m., to conduct the public hearing on the FY 2004 Budget, the Proposed 2004-2009 Capital Improvements Program, and the proposed increase in the Cigarette Tax from \$0.15 cents per pack to \$0.45 cents per pack.

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Clerk of Council

April 15, 2003

// A special meeting of the Council of the City of Lynchburg, recessed from its earlier 3:30 p.m. work session, was held on the 15th day of April, 2003, at 7:00 P.M., in the Council Chamber, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a public hearing regarding the Proposed Fiscal Year 2004 Budget, the Proposed 2004-2009 Capital Improvements Program, and the proposed increase in the Cigarette Tax from \$0.15 cents per pack to \$0.45 cents per pack. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Absent:

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// A public hearing was held regarding the Proposed Fiscal Year 2004 Budget, the Proposed 2004-2009 Capital Improvements Program, and the proposed increase in the Cigarette Tax from \$0.15 cents per pack to \$0.45 cents per pack. Six local storeowners spoke against the increase in the cigarette tax citing concerns regarding a further loss in revenue via more of their customers purchasing cigarettes along with other merchandise from the adjoining counties. Three individuals urged City Council to raise teacher and police salaries. There was no one else present who wished to speak to this item.

// The meeting was recessed at 7:36 p.m. to April 22, 12:15 p.m., to tour the new Human Services Department facilities, to conduct a work session regarding several items and to finalize the proposed FY 2004 Budget.

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Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from April 15, was held on the 22nd day of April, 2003, at 12:15 P.M., Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to tour the new Human Services Department facilities, to conduct a work session regarding several items, and to work on balancing the Proposed FY 2004 Budget. The following Members were present:

Present: Barksdale, Dodson, Foster, Seiffert, Hutcherson 5

Absent: Adams, Garber 2

// Prior to discussion of the work session items, Mayor Hutcherson, Vice Mayor Dodson, Council Members Barksdale, Foster, and Seiffert along with municipal staff toured the new Human Services facilities on Commerce Street.

// City Council Members returned to City Hall at 1:00 p.m. where Council Members Adams and Garber were waiting to begin discussion regarding the work session items.

// City Manager Kimball Payne provided an overview regarding a proposal by Alltel to erect a telecommunications tower on Linkhorne Middle School property. Mr. Payne explained that a conditional use permit would be required and that Alltel proposes to lease the property from the City at the rate of \$1,000 per month. Following discussion, it was the consensus of City Council to authorize staff to prepare an application for the conditional use permit process for the erection of the proposed telecommunications tower.

// City Manager Kimball Payne provided an update regarding the deer elimination efforts in the City during the last season. Mr. Payne also advised of recent changes in the State Code to allow for the issuance of deer kill permits for property damage, and that residents experiencing damage can receive a deer kill permit rather than going through the process outlined in the City Code to obtain an archery hunting permit. Following discussion, City Council asked Council Members Adams and Seiffert to work with staff to develop recommendations by June 1 regarding alignment of the State Code changes with City's ordinances.

// City Manager Kimball Payne along with municipal staff provided information regarding the Monument Terrace Steps Renovation Project. Following the presentation, and on motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-070, as presented, accepting the low bid from C. L. Lewis, Inc., for the Monument Terrace Steps Renovation Project and appropriating \$250,000 to cover contingency for the project, repairs to two adjacent retaining walls, and the installation of an elevator to provide handicap access to the Circuit Court Clerk's Office:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// Waste Management Director David Owen presented an overview of a proposed Litter Control Plan. Mr. Owen explained that City staff has been meeting with representatives from Bedford, Campbell, Amherst and Appomattox Counties as well as Citizens for a Clean Lynchburg to discuss community-wide efforts to

reduce and combat littering and illegal dumping in the region. Mr. Owen went on to say that representatives have proposed to form a Regional Litter Task Force, which would be charged with identifying the problems, root causes, and potential solutions and development of a long-range plan to reduce litter and illegal dumping in the region. Mr. Owen noted that today's presentation was to gather input from City Council regarding the proposal Plan.

// Deputy City Manager Bonnie Svrcek explained that the report regarding FY 2003 Third Quarter Adjustments was being deferred to the May committee meetings.

// City Manager Kimball Payne provided an overview regarding proposed increases in the City's FY04 Medical and Dental Insurance Rates.

// During roll call, Council Member Barksdale informed of water runoff from the Salvation Army Building onto 701 Stuart Street, of vicious dogs at 51 Taylor Street, and loud noise from machinery from a factory on Orchard Street. Council Member Foster requested an update on her earlier request regarding the loud noise being generated from Mario's Pizza. Council Member Adams thanked staff for adjusting the timing of the traffic signals on Tate Springs Road.

// City Manager Kimball Payne stated that several staff members were present to provide additional information regarding several remaining outstanding budgetary issues. Following the presentations, City Council began discussing various options regarding balancing the FY 2004 Budget. Prior to adjourning the meeting, City Council agreed to continue discussion regarding the budget following the 5:00 p.m. Council meeting.

// The meeting was adjourned at 4:53 p.m.

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Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 22nd day of April, 2003, at 5:00 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Adams gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the April 8 (two meetings), 2003 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Airport - General, Resolution #R 03-062 appropriating \$2,099 to complete the Virginia State Police Hanger project at the Airport, laid over from the April 8, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Airport - General, Resolution #R 03-063 appropriating \$180,000, fully reimbursable, for City law enforcement personnel providing security at the Airport, laid over from the April 8, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Airport - General, Resolution #R 03-064 appropriating \$1,700, fully reimbursable, to complete the Construct Office Space/Expand Vending and Waiting Areas project at the Airport, laid over from the April 8, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Airport - General, Resolution #R 03-065 appropriating \$18,344, fully reimbursable, to complete the General Aviation Terminal project, laid over from the April 8, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police - General, Resolution #R 03-066 appropriating \$10,000, fully reimbursable, for selective enforcement activities targeting DUI and other traffic safety violations, laid over from the April 8, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - General, Resolution #R 03-067 appropriating \$100,000, fully reimbursable, to update the Federal Emergency Management Agency (FEMA) floodplain maps and to develop a watershed computer model for use in development projects on downstream properties, laid over from the April 8, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Recreation - General, City Council Report #8 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R 03 071, as presented, supporting an application for grant funding through the Virginia Outdoors Fund Grant Program:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Airport - General, a public hearing was held regarding City Council Report #9 regarding adopting a Resolution authorizing execution of a ten (10) year lease between the City of Lynchburg and the Federal Aviation Administration (FAA) for space located in the Air Traffic Control Tower building at the Lynchburg Regional Airport. Airport Manager Mark Courtney outlined the request. There was no one else present who wished to speak to this item. On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote adopted Resolution #R-03-072, as presented, authorizing execution of a ten (10) year lease between the City of Lynchburg and the Federal Aviation Administration (FAA) for space located in the Air Traffic Control Tower building at the Lynchburg Regional Airport:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// Mayor Hutcherson announced that City Council would relocate to the Second Floor Training Room for the closed meeting, and that once the meeting was re-opened to the public, that City Council would continue discussion regarding the FY 2004 budget.

// On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote elected to hold a closed meeting with legal counsel and briefings by staff

concerning a specific legal matter involving the renewal of a contract pursuant to Section 2.2-3711(A)(7), of the Code of Virginia, 1950, as amended:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// The meeting was re-opened to the public.

// Council Member Barksdale made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Foster, and Council by the following recorded vote adopted the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// City Council continued its earlier discussion regarding balancing the FY 2004 Budget. Vice Mayor Dodson voiced support for increasing the automobile decals from \$25 to \$28.50 to fund the cost of the four additional police officers, stating that the increase would provide a recurring revenue stream for the new positions. Vice Mayor Dodson also proposed increasing the City's cigarette tax from 15 cents to 30 cents per pack instead of the proposed 45 cents because of the concerns expressed by local convenience store owners at the April 15 public hearing. Other Council Members took a similar view arguing that fewer cigarette sales in the City would lead to lower sales tax and business license tax revenues, while other Council Members argued that smokers would continue to purchase packs of cigarettes in the City for convenience. City Council gave tentative approval to fund two new City positions, i.e., a Recreation Services Manager in the Parks and Recreation Department, and an Information Technology Analyst in the Fire Department in addition to continuing the funding for a wage position in the Procurement Office. Due to the lack of resources, City Council decided not to grant the Schools request for an additional \$550,000 in order to provide a 3% salary increase versus a 2% salary increase to Schools employees.

// City Council agreed to meet again regarding the FY 2004 Budget on Tuesday, April 29, at 2:00 p.m.

// The meeting was recessed at 6:17 p.m. P.M. to April 29, at 2:00 P.M., to continue discussion regarding balancing the FY 2004 Budget.

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Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from April 22 was held on the 29th day of April, 2003, at 2:00 P.M., in the Second Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a work session regarding the Proposed FY 2004 Budget. The following Members were present:

Present: Adams, Barksdale, Dodson, Garber, Seiffert, Hutcherson 6

Absent: Foster 1

// Council Member Foster arrived at 2:50 p.m.

// Deputy City Manager Bonnie Svrcek distributed a Revised FY 2003 Third Quarter Adjustments report, advising that a public hearing would be scheduled for the May 13 meeting.

// Deputy City Manager Bonnie Svrcek provided City Council with a summary of actions taken thus far towards balancing the FY 2004 Budget along with a summary of requests from civic, community and regional organizations. Greater Lynchburg Transit Company (GLTC) General Manager Mike Carroll was present to answer questions regarding the information forwarded earlier to City Council concerning GLTC hours of operation, impact of reducing the hours of operation, and ridership numbers. City Council discussed the requests from civic, community and regional organizations. Several Council Members argued that it is not appropriate for government to fund non-profit organizations, while other Council Members argued the benefits of those organizations to the community. Council Member Seiffert stated that he would not support funding of non-profit organizations in future budgets. Upon questioning, City Attorney Walter Erwin confirmed that the City Charter states that no resolution granting aid to benevolent organizations or institutions shall be passed except by the vote of five members elected to City Council. City Council asked that staff make a notation by each item in the FY 2004 Summary of Civic, Community and Regional Organization Requests regarding the votes required for adoption and whether or not those items are mandated, contractual or discretionary. Upon arriving at 2:50 p.m., Council Member Foster did not participate in the discussion regarding the various FY 2004 requests from civic, community and regional organizations. Following discussion regarding civic, community and regional organization requests, City Council considered a request from the Schools to provide assistance in support of the increased health and dental premiums and determined that no funding is available to support the request. Council Members then discussed and reached consensus on the remaining outstanding issues related to balancing the FY 2004 Budget, which includes no new decal fees, a 20-cent increase in the cigarette tax, four new police officers, and a 2% salary increase for City and Schools employees. City Manager Payne stated that budget ordinances would be prepared for City Council's May 13 meeting.

// On motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel concerning a specific legal matter regarding the proposed rezoning of the Ericsson property which requires the provision of legal advice as permitted by Section 2.2 3711(A)(7), Code of Virginia (1950), as amended:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0



// The meeting was re-opened to the public.

// Council Member Seiffert made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Adams, and Council by the following recorded vote adopted the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson	7
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Noes:	0
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// The meeting was adjourned at 5:40 p.m.

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Clerk of Council